

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

_____, Plaintiff(s),  vs.  _____, Defendant(s).	<p>Case No. _____</p> <p><b>WARNING OF DISMISSAL FOR FAILURE TO PROSECUTE DILIGENTLY</b></p>
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The court file fails to show that the operative [ ] **complaint** and/or [ ] **counterclaim** is/are being prosecuted with reasonable diligence, and such pleading(s) will be dismissed unless the court file demonstrates diligent prosecution thereof.

The same will be dismissed for lack of prosecution at a hearing on \_\_\_\_\_, at \_\_\_\_\_ m., unless before that time at least one plaintiff (as to petition) or at least one defendant (as to counterclaim) does one of the following acts:

- [ ] Appears at the hearing and makes an adequate showing by affidavit or otherwise.
- [ ] At least 10 days prior to the above hearing date, files an affidavit (with notice of hearing in compliance with court rules) showing **facts** that demonstrate the case is being prosecuted with reasonable diligence **and** cannot progress to trial under a normal progression schedule. Such hearing may be by telephone if allowed by Rule 8-4.
- [ ] Files a motion (with notice of hearing in compliance with court rules) to set telephone progression conference or final pretrial conference.
- [ ] Files a motion for default judgment, if appropriate, with notice of hearing in compliance with court rules.
- [ ] File proper proof of valid service of process upon, or entry of valid voluntary appearance of, any necessary party defendant(s).

Signed ( [ ] in chambers) at \_\_\_\_\_, Nebraska, on \_\_\_\_\_; **BY THE COURT:**  
DEEMED ENTERED upon file stamp date by court clerk.

If checked, the court clerk shall:

- [ ] Mail a copy of this order to all counsel of record and any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- [ ] Note the decision on the trial docket as: [date of filing] **Signed "Warning of Dismissal for Failure to Prosecute Diligently" entered.**  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
William B. Cassel  
District Judge

Mailed to: